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8	BEFORE THE
9.	BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS
10	STATE OF CALIFORNIA
11	In the Matter of the Accusation Against: Case No. 2013 - 229
12	MELISSA MARIE CASSARA
13	Address of Record: A C C U S A T I O N
14	211 Godley Street
15	Walterboro, SC 29488
16	Additional Address: 306 Bay Street
17	Walterboro, SC 29488
18	Registered Nurse License No. 443226
19	Respondent.
20	Complainant alleges:
21	PARTIES
22	1. Louise R. Bailey, M.Ed., R.N. ("Complainant") brings this Accusation solely in her
23	official capacity as the Executive Officer of the Board of Registered Nursing, Department of
24	Consumer Affairs.
25	2. On or about August 31, 1989, the Board of Registered Nursing ("Board") issued
26	Registered Nurse License Number 443226 to Melissa Marie Cassara ("Respondent"). The
27	Registered Nurse License expired on June 30, 2001, and has not been renewed.
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JURISDICTION

- 3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.
- 4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Pursuant to Section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.
- 6. Section 118, subdivision (b), of the Code provides grants the Board jurisdiction over suspended, expired, forfeited, cancelled, or surrendered licenses:

"The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground."

7. Title 16, Section 1419.3 of the California Code of Regulations defines the period in which a license may be renewed or reinstated:

"In the event a licensee does not renew his/her license as provided in Section 2811 of the code, the license expires. A licensee renewing pursuant to this section shall furnish a full set of fingerprints as required by and set out in section 1419(b) as a condition of renewal.

- (a) A licensee may renew a license that has not been expired for more than eight years by paying the renewal and penalty fees as specified in Section 1417 and providing evidence of 30 hours of continuing education taken within the prior two-year period.
- (b) A licensee may renew a license that has been expired for more than eight years by paying the renewal and penalty fees specified in Section 1417 and providing evidence that he or she holds a current valid active and clear registered nurse license in another state, a United States territory, or Canada, or by passing the Board's current examination for licensure."

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STATUTES

8. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

. . . .

"(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

9. Section 2762 of the Code states, in pertinent part:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

"(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022."

COST RECOVERY

- 10. Business and Professions Code section 125.3. provides, in pertinent part:
- "(a) Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department or before the Osteopathic Medical Board, upon request of the entity bringing the proceeding, the administrative law judge may direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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"(i) Nothing in this section shall preclude a board from including the recovery of the costs of investigation and enforcement of a case in any stipulated settlement."

CAUSE FOR DISCIPLINE

(Disciplinary Action by the South Carolina Board of Nursing)

- 11. Respondent is subject to disciplinary action under Code section 2761, subdivision (a)(4) on the grounds of unprofessional conduct in that Respondent's registered nurse license was disciplined by the South Carolina Board of Nursing ("South Carolina Board"), as follows:
- (a) On or about October 21, 2004, Respondent signed a Consent Agreement that the South Carolina Board accepted on or about November 4, 2004. In that Consent Agreement, Respondent admitted to diverting Dilaudid from her employer. Respondent agreed to be an active participant in the Recovering Professional Program ("RPP") for five years.
- (b) On or about May 31, 2007, the South Carolina Board temporarily suspended Respondent's registered nurse license due to her failure to comply with the Consent Agreement.
- (c) On November 30, 2007, after a hearing, the South Carolina Board issued a Final Order which placed Respondent's registered nurse license on stayed suspension and one year probation with the condition that she continue to participate in the RPP program, amongst other things.
- (d) On or about February 23, 2009, Respondent signed a Private Agreement, which the South Carolina Board accepted on May 14, 2009, as the result of consuming an overdose of Ambien due to depression.
- (e) On or about May 29, 2009, Respondent was discharged from the RPP program for non-compliance with the requirements of the program when she failed a drug screen and failed to attend recommended treatment.
- (f) On or about June 12, 2009, pursuant to the terms of the Final Order and the Private Agreement, the South Carolina Board suspended Respondent's registered nurse license indefinitely.

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PRAYER WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, 2 and that following the hearing, the Board of Registered Nursing issue a decision: 3 Revoking or suspending Registered Nurse License Number 443226, issued to Melissa 4 Marie Cassara; 5 Ordering Melissa Marie Cassara to pay the Board the reasonable costs of the 6 investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; 8 Taking such other and further action as deemed necessary and proper. 3. 10 11 DATED: OCTOBER 02, 2012 12 BAILEY, M.ED., R.N. 13 Board of Registered Nursing State of California 14 Complainant 15 LA2012507773 16 51166205.doc 17 18 19 20 21 22 23 24 25 26 27

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